

**Edmonton Subdivision and
Development Appeal Board**

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DATE: February 26, 2015
PROJECT NO.: 159168525-001
FILE NO.: SDAB-D-15-029

NOTICE OF DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

This appeal dated January 5, 2015, from the decision of the Development Authority for permission to:

Construct a Semi-detached House with front attached Garages, front verandas, fireplaces, and rear uncovered decks (3.96 metres x 3.05 metres)

on Plan 7521561, Block 21, Lot 25, located at 11511 - 24 Avenue NW, was heard by the Subdivision and Development Appeal Board at its hearing held on February 11, 2015. The decision of the Board was as follows:

January 8, 2015 Hearing:

MOTION:

“that the appeal hearing be scheduled for February 11 or 12, 2015 at the written request of the Respondent and in agreement with the Appellants.”

February 11, 2015 Hearing:

MOTION:

“that SDAB-D-15-029 be raised from the table.”

SUMMARY OF HEARING:

At the outset of the appeal hearing, the Presiding Officer confirmed with the parties in attendance that there was no opposition to the composition of the panel.

The appeal was filed on time, in accordance with Section 686 of the *Municipal Government Act*, R.S.A. 2000, c. M-26.

SUMMARY OF HEARING (CONTINUED):

The Board heard an appeal from the decision of the Development Authority to approve an application to construct a Semi-detached House with front attached Garages, front verandas, fireplaces, and rear uncovered decks (3.96 metres x 3.05 metres). The subject Site is zoned RF1 Single Detached Residential Zone and is located at 11511 – 24 Avenue NW. The development permit application was approved subject to conditions and was subsequently appealed by adjacent property owners.

Prior to the hearing the following information was provided to the Board, copies of which are on file:

1. A written submission from the Development Officer received February 6, 2015.
2. Two petitions and correspondence packages from the Appellants.
3. Nine letters of opposition to the development from neighbouring property owners.
4. A written submission from the Appellants, Robert and Laura Slywka.
5. A slideshow presentation from the Appellants, Robert and Laura Slywka

Mr. Zentner, representing the City of Edmonton Sustainable Development Department, provided the following clarification to the Board:

1. This is a Class B discretionary use and no variances were granted. The inclusion of the word “variances” in the development permit was used as a trigger to give notification to neighbours due to the approval of a discretionary use.

The Board heard from Mr. Slywka, an Appellant, who provided the following information to the Board:

1. In addition to speaking as an Appellant, he was also speaking on behalf of several neighbours.
2. Mr. Slywka reviewed the slideshow presentation he had prepared and submitted.
3. This is a quiet, established, single-family neighbourhood. He recently upgraded his home with the intent of staying in the community.
4. He reviewed the neighbourhood make-up and believed a semi-detached home proposed deep within the community is not characteristic and presented slides showing past and present developments.

SUMMARY OF HEARING (CONTINUED):

5. He believes the proposed development will compromise the integrity of the neighbourhood and breach what he believes is a contract with the neighbourhood on the expectation of limited multi-family dwellings.
6. The existing houses in the neighbourhood have stepped elevations with visible front doors, windows on the first floor and recessed second storeys.
7. The neighbourhood has a pedestrian feel characterized by connectivity from homes to the front sidewalk and he outlined several homes that illustrate these characteristics.
8. There are no three-car garages or four-car garages in the area. He believes the proposed garage and driveway design is not characteristic and would not complement the neighbourhood. The scale of the proposed development is overwhelming.
9. He referenced Section 110.4(14) of the *Edmonton Zoning Bylaw* which requires front doors of homes to face a public roadway.
10. Complimentary landscaping and curb appeal, including mature trees are characteristic of the neighbourhood. The developer has already taken down an existing mature tree on the proposed site.
11. Mr. Slywka also presented a shadow study simulation that showed the west neighbour would have compromised access to natural light.
12. He referenced Section 110.4(3) of the *Edmonton Zoning Bylaw* which indicates semi-detached housing should be located on a corner lot or on a site abutting an arterial road. He does not believe the proposed development meets either requirement because there is no direct access from the proposed site to 23 Avenue, which is an arterial roadway.
13. Mr. Slywka believes the proposed development will adversely disrupt the value of a single-family neighbourhood.
14. He noted that the profit incentive for developers to buy out existing owners and put in duplexes could substantially change the character of the neighbourhood if a precedent is set in allowing this development.
15. The photograph shown to residents by the developer is different than the proposed development. In the proposed development the second storey is not symmetrical, the brick façade is only four feet high, the façade is primarily siding and the articulation shows a reduction in stepping.
16. He felt the 60-metre notification area should have been expanded. He believes residents to the north of the notification area are affected as access to the proposed development will increase traffic.
17. He raised a concern that this development was approved just before Christmas, which led to confusion on dates for the appeal period.

SUMMARY OF HEARING (CONTINUED):

18. He believes there was not enough community consultation as his submission included 60 signatures in opposition to the development that included 43 properties within the neighbourhood.
19. In speaking with the Development Officer before the permit was issued, he believed the project would be denied.
20. The parking in the area will be compromised as this is a pinch point to the properties to the west, which creates dangerous traffic issues.
21. The large driveway limits green space and on-street parking.

Mr. Slywka provided the following responses to questions from the Board:

1. He referred to the proposed development in the context of the Mature Neighbourhood Overlay, but conceded the Mature Neighbourhood Overlay is not applicable in this zone.
2. He acknowledged that a single-family dwelling could be built to exactly the same dimensions as the proposed development. He felt the difference between a single-family dwelling and the proposal is that a single-family home would most likely not have a four-car garage and would have only one main entrance facing the front.
3. The design is not inviting and would result in an increase in traffic and less on-street parking.
4. He feels that approving a discretionary use should be based on common sense and feels that the Development's Officer's decision has compromised the character of area, including the large front yards and quiet location.
5. He agreed that a single-family dwelling can contain a secondary suite, but there are requirements to make it look and appear as a single-family development.
6. He noted parking in this area is already limited because of snow piling policy changes made by the City of Edmonton. Eliminating even one on-street parking stall will be detrimental to the neighbourhood.

The Board heard from Mr. and Mrs. Goodale, Appellants, who provided the following information to the Board:

1. They appreciate that the neighbourhood has banded together to voice their concerns regarding this development.
2. Mr. and Mrs. Goodale have spoken with adjacent neighbours who are all concerned about the location in the middle of the block and the traffic issues resulting at the T- intersection.

SUMMARY OF HEARING (CONTINUED):

3. Most existing houses are one-and-a-half storeys but the proposed development will be two storeys and will look more like a compound than a house.
4. This particular home would have a domino effect on 24 Avenue with a detrimental effect on existing single-family homes.
5. The front street-level elevation is primarily a garage, not a house.
6. The proposal will create a “lives in the backyard” social scenario. They are concerned that there is no space in the front yard to allow for socializing.
7. Neighbours are also concerned with safety as the number of vehicles parking on the driveway and backing onto 24 Avenue is excessive.
8. They questioned whether the Development Officer would have approved a four-car garage for a single-family home at this location.
9. They feel that a semi-detached home with single garages and a double driveway would be more suitable.

The Board heard from Mr. Dunwald, representing the Blue Quill Community League, who provided a slideshow presentation outlining the background and history of the area to the Board, a copy of which was submitted and entered as Exhibit “A”:

1. He believes that this area should be treated as an established neighbourhood and that the many regulations regarding the Mature Neighbourhood Overlay are related to declining densities.
2. The goal of the Blue Quill Community League is 80 percent owner-occupied homes. One third of the community leaves every year. The Community League wants to keep single-family housing alive and wants new investment based on that.
3. The density of the area already far exceeds the area goal and the area schools are fully utilized. Density does not need to be further increased.
4. There have been many changes in the neighbourhood since it was established. There is uncertainty surrounding zoning and development criteria. Development in the area has proceeded with no impact assessments.
5. The Community League has repeatedly asked to see plans on how development will occur.
6. He provided demographic information outlining current densities, crime rates and pointed out the multi-family developments within the area.
7. The proposed development should be viewed in the context of the whole neighbourhood.

SUMMARY OF HEARING (CONTINUED):

Mr. Dunwald provided the following responses to questions from the Board:

1. This is an island of single-family homes in a sea of multi-family developments with limited amenities.
2. Allowing a four-car garage would set a dangerous precedent.

The Board next heard from Ms. Margnksi, a neighbouring property owner to the east who provided the following information to the Board:

1. She confirmed the issues with parking, safety and the potential change to the whole neighbourhood if the development is approved.
2. She wants to maintain the existing single-family neighbourhood and character of the neighbourhood.
3. She prefers less concrete in the front yard.

The Board heard from Mr. Girard, a neighbouring property owner who provided the following information to the Board:

1. He has been a resident of the neighbourhood for over 30 years.
2. His property is four properties directly east of the subject site.
3. He believes that this is an oasis of single-family dwellings in the area and has a very low crime rate.
4. All homes are designed to allow neighbours to look out on the street providing a great deal of safety and security.
5. There are already 1.5 metre snow drifts created from a two-car garage. A four-car garage would not have enough space for the storage of snow.
6. The proposed development does not fit in and creates a fortress that is out of character for the neighbourhood.

Mr. Girard provided the following responses to questions from the Board.

1. It is a six-block walk to access the green area between his back fence and 23 Avenue.
2. He confirmed several turns are required to reach 23 Avenue from his property.

The Board heard from Mr. Zentner, City of Edmonton Sustainable Development Department who provided the following information to the Board:

SUMMARY OF HEARING (CONTINUED):

1. The proposed development complies with the Single Detached Residential requirements and the area is not within the Mature Neighbourhood Overlay area. There are no regulations regarding the size of garages permitted on single-family dwellings. The footprint could be the same if the proposal were a single family home.
2. Section 110.4(14) of the *Edmonton Zoning Bylaw* requires front doors of a dwelling to face a public roadway. He feels this requirement has been met. There is no requirement for front facing windows on the main floor of a dwelling.
3. He confirmed that secondary suites are not permitted within semi-detached homes.
4. The proposed development meets the requirement of two parking stalls per dwelling. The proposed garage would remove one on-street parking space but there is sufficient parking for 8 vehicles on site, which compensates for the reduced street parking.
5. He clarified that the side setbacks were 1.83 metres.
6. The Sustainable Development Department views each proposed development on its own merits and does not look at precedents.
7. He felt the locational requirements were met as there is an abutting arterial roadway.
8. He believes that the proposed development is compatible with other homes in area.
9. If there had been variances required for this development he would likely have denied the proposal, but none were required.
10. He felt this location is not as isolated as a typical single-family neighbourhood as there is more existing traffic noise.

Mr. Zentner provided the following responses to questions from the Board:

1. He stated that a four-car garage with a driveway was more desirable than having parking on the street. He did agree it was not characteristic of this neighbourhood and confirmed there were no other three- or four-car garages in the neighbourhood.
2. He believes the three metres on either side of the driveway allows enough room for snow removal.
3. There are no problems with sightlines from the driveway.
4. The property is abutting an arterial roadway despite the green space and berm separating the property from 23 Avenue. His interpretation of abutting is that it is “touching” the property but does not indicate anything about accessibility.

SUMMARY OF HEARING (CONTINUED):

5. He assumed that the abutting strip to the south of the property shown on the notice map is not a reserve or parkland but part of the road right-of-way.
6. He believed that the criteria used to determine whether a semi-detached house is appropriate are similar to the criteria for a single-family dwelling with secondary suite regarding noise and traffic flow, among others considerations.
7. This is a good location for a semi-detached house as there are no neighbours to the rear of the proposed development.
8. Corner sites are not necessary for a semi-detached development to comply with the locational criteria and none of the criteria considers access to a roadway as a requirement for compliance. Although 23 Avenue is not accessible, he believes it impacts the property.
9. He stated that front drive garages are characteristic of the neighbourhood.
10. He quoted Section IV(A)(6)(b) of the Kaskitayo Outline Plan which states single-family detached housing should be intermixed with 10 percent duplex housing. Since there is no existing semi-detached housing in this particular block he believes the proposed development is appropriate.

Mr. Harry and Mr. Cockram, Respondents, provided the following information to the Board:

1. Their understanding is that the previous home was a two-storey dwelling with two families residing in it so there will be no change to the density or traffic.
2. The original house had been damaged in a fire. They had initially considered renovations, but as there was no basement and the cost of renovating was high, the better course of action was to tear down the original home and build a semi-detached house. Mr. Harry would retire and reside on one side and his nephew, Mr. Cockram, would reside on the other side.
3. All the necessary permits have been issued up to this point and they have met all the City of Edmonton requirements.
4. The footprint is smaller than the previous dwelling. They want to improve the lot, not have a negative impact on the neighbourhood.
5. There is a gate in the back fence providing access to 23 Avenue which Mr. Harry intends to use to catch the bus.
6. He clarified there are windows on the second floor of the proposed development which face the front of the lot.
7. He stated that the attractiveness of a home design is subjective.

SUMMARY OF HEARING (CONTINUED):

Mr. Harry and Mr. Cockram provided the following information in response to questions:

1. They confirmed that a four-car garage is not typical of the area but believe each dwelling needs a two-car garage. They felt it can look nice in terms of the driveway and gave the example of stamped concrete.
2. It is difficult to predict snowfall in any given winter. Snow removal may be difficult in a heavy snow year, but they believe three metres on each side will be sufficient to hold any removed snow.
3. They want to live in a house of which they are proud.
4. They conceded there were no other four-car garages in the area and no other developments where the garage takes up almost the entire front width of house.

In rebuttal Mr. and Mrs. Goodale brought up the following points:

1. They confirmed that the previous home did not have basement.
2. They believe a single-family house would be less valuable than a side-by-side duplex.
3. They question who would actually be living in the home.
4. They confirmed there is an eight-foot high community fence four feet outside of their property line and believe 23 Avenue is not abutting their back yard.

In rebuttal Mr. Slywka brought up the following points.

1. When he spoke with the Development Officer on January 5 or 6, 2015, he was led to believe that this development would not be approved. After it was approved the Development Officer informed him that he was instructed by his supervisor to approve the development since no variances were required.
2. The intent of this development should have been more closely scrutinized.
3. He feels the proper locational criteria were not met and he disagrees with the Development Officer's interpretation of the word "abutting". He believes access should be considered and noted that 23 Avenue cannot be accessed across a 60-foot green zone.

SUMMARY OF HEARING (CONTINUED):

4. He felt the Kaskitayo Outline plan should have been considered regarding the existing high population density as this area already exceeds the density requirements of multiple-family attached housing making up 25 percent of the total number of housing units in Kaskitayo, as per sections III(B)(1) and IV(A)(6).
5. In his view snow clearance will be an issue because of an existing 60-foot spruce tree on one side of the driveway.
6. The front facing second story windows face out from the master bedrooms and provide no connectivity to the neighbourhood.
7. Multi-family dwellings create more activity and should be located based on Use.

DECISION:

That the Appeal be ALLOWED and the decision of approval by the Development Authority be OVERTURNED.

REASONS FOR DECISION:

The Board finds the following:

1. Semi-detached Housing is a Discretionary Use in an RF1 Single Detached Residential Zone.
2. This development had been reviewed by the Development Authority against the Edmonton Zoning Bylaw, the Kaskitayo Outline Plan, the *Municipal Government Act* and without neighbourhood input.
3. After viewing the presentations provided at this hearing the Board notes the strong neighbourhood opposition to this development.
4. The Board finds the proposed development is not in keeping with the character of the neighbourhood for the following reasons:
 - a. The design proposed with an oversized front attached garage and driveway is non-existent within this specific neighbourhood.
 - b. The Board notes that this crescent is dominated by single-family dwellings but is surrounded by significant multi-family residential development.
 - c. The Board accepts the Appellant's submissions that the current density of this neighbourhood is well beyond the prescribed limit contained within the Kaskitayo Outline Plan and overall density targets have already been exceeded.

REASONS FOR DECISION (CONTINUED):

- d. The proposed development and design is not characteristic of the neighbourhood as it is dominated by the garage facade and limits the green space available in the front yard.
 - e. The Board notes this development's front entry facade is not consistent with the characteristic of the neighbourhood as it is narrower than the majority of the existing dwellings.
5. It is the opinion of the Board that the proposed development will unduly interfere with the amenities of the neighbourhood and materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

IMPORTANT INFORMATION FOR APPLICANT/APPELLANT

1. This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the Municipal Government Act, R.S.A. 2000, c. M-26. If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision, such notice shall operate to suspend the Development Permit.
2. When a decision on a Development Permit application has been rendered by the Subdivision and Development Appeal Board, the enforcement of that decision is carried out by the Sustainable Development Department, located on the 5th Floor, 10250 – 101 Street, Edmonton.

Mr. V. Laberge, Presiding Officer
SUBDIVISION AND DEVELOPMENT
APPEAL BOARD

NOTE: Citizens can call 311, 24-hours a day, every day of the year for access to City of Edmonton information, programs and services.

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DATE: February 26, 2015
PROJECT NO.: 165334720-001
FILE NO.: SDAB-D-15-030

NOTICE OF DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

This appeal dated January 19, 2015, from the decision of the Development Authority for permission to:

Construct a Semi-detached House with verandas, fireplaces and Basement developments (not to be used as additional Dwelling units)

on Plan 1270HW, Block 19, Lot 18, located at 8515 - 81 Avenue NW, was heard by the Subdivision and Development Appeal Board at its hearing held on February 11, 2015. The decision of the Board was as follows:

SUMMARY OF HEARING:

At the outset of the appeal hearing, the Presiding Officer confirmed with the parties in attendance that there was no opposition to the composition of the panel.

The appeal was filed on time, in accordance with Section 686 of the *Municipal Government Act*, R.S.A. 2000, c. M-26.

The Board heard an appeal of the decision of the Development Authority to approve an application to construct a Semi-detached House with verandas, fireplaces and Basement developments (not to be used as additional Dwelling units), with a variance granted in the minimum required Site Width, subject to conditions. The subject Site zoned RF3 Small Scale Infill Development Zone is located at 8515 – 81 Avenue NW and is within the Mature Neighbourhood Overlay. The approved development permit application was subsequently appealed by an adjacent property owner.

Prior to the hearing a written submission from the Development Officer, received February 6, 2015, was provided to the Board, a copy of which is on file.

SUMMARY OF HEARING (CONTINUED):

The Board heard from Mr. Gilham, Appellant, who provided the following information to the Board:

1. Mr. Gilham provided a map, marked Exhibit "A", which identifies existing and proposed duplexes within a short radius of the proposed site and his home.
2. The neighbourhood is becoming over-developed with duplexes and fourplexes. Basement Suites are also adding to the crowding.
3. The City of Edmonton has not followed the long-term housing objectives for residents.
4. Mr. Gilham provided a package of census information for Edmonton in general and King Edward Park for various years from 1991 to 2005, which was marked as Exhibit "C". The census information indicates that most duplexes are rentals and not owner occupied.
5. The proliferation of rental units does not contribute to sustainability of a mature area because renters remain for only a couple of years and do not look after properties.
6. Exhibit "C" shows the King Edward Park neighbourhood has a much higher proportion of duplexes and fourplexes than the City of Edmonton average. The average for the rest of the City should catch up before more duplexes and fourplexes are approved in this area.
7. Mr. Gilham provided four photographs, which were marked as Exhibit "B". The photographs depict parking in front of the subject site, and show a concern with parking.

Mr. Gilham provided the following responses to questions from the Board:

1. He conceded Semi-detached Houses are a permitted Use in the RF3 Small Scale Infill Development Zone and the sole variance regarding the proposed development is Site Width.
2. Mr. Gilham would not personally buy such a narrow Dwelling. He expects it will be a rental unit.
3. The parking situation is further restricted given the City's rules regarding parking stalls.
4. If the development will not fit on the existing lot it should not be approved. It is too narrow for a duplex that someone would want to buy. Alternatively, they may choose to live in one side and rent out the other.

Ms. Ziober, representing the City of Edmonton Sustainable Development Department, provided the following responses to questions from the Board:

SUMMARY OF HEARING (CONTINUED):

1. She clarified that the City of Edmonton's parking requirement of two stalls per Dwelling unit has been met.
2. The future proposed Garage will need to meet City of Edmonton requirements.
3. The Garage must accommodate four vehicles and will be based on a width of 5.49 metres. Further, the Side Yard Setbacks are also satisfied.
4. There is no pad behind the garage but there is no requirement for on-site visitor parking.
5. Each Dwelling will be 5.10 metres wide.
6. She and one other individual review all Semi-detached Housing in the City. They have refused Semi-detached Housing that does not meet width and other regulation criteria.
7. She has been in similarly designed homes and has been impressed by the interior layouts.
8. She agreed the Mature Neighbourhood Overlay applies and therefore the proposed development must be sensitive to the scale of the area. High density and compact builds are promoted in this type of area as it is near the future LRT expansion, the downtown core, and is in close proximity to shopping.
9. Ms. Ziober provided a package of information on the Southeast LRT expansion plan, which was marked as Exhibit "D".
10. The site width variance is insignificant and does not create undue impact here. If a two-foot site width variance was not provided, a giant single family dwelling with an accessory suite could be approved as a permitted use which could conceivably have three on-site parking stalls instead of four. This would create an even worse parking situation.
11. As the block is within the RF3 Small Scale Infill Development Zone there is no tipping point for Semi-detached Housing on this block. It is conceivable that all lots on the block could be developed into Semi-detached Housing as a permitted Use.
12. If the orientation of the proposed development had been changed from a side-to-side to a front-to-back development it would have met the width regulations but several other regulations would have required variances. The development is in line with the existing homes on the block face and both rear adjacent neighbours will be looking at open space rather than at a solid wall.
13. The same footprint could be developed as a Single Detached House.

Mr. Gable of Green Living Homes Ltd., Respondent, provided the following information to the Board:

SUMMARY OF HEARING (CONTINUED):

1. Mr. Gable provided a set of 12 photographs, marked as Exhibit "E". He noted the parking photographs do not show congestion.
2. Single Detached Houses have been approved with the same footprint.
3. Tasteful Semi-detached Houses are in demand and the cost and quality of the proposed development means the development is more likely to be owner-occupied than rented.
4. A precedent for the width variance exists as there is a Semi-detached House on a lot of the same width across the alley from the proposed development.
5. The proposed development meets all of the City of Edmonton objectives for intensification near the future LRT and is located close to the downtown core and commercial developments.
6. He has spoken with the Appellant and was willing to move the proposed two double garages forward to allow for more on-site parking at the rear.
7. The proposed development is a great improvement to the housing stock and is an asset.
8. He noted a mix of development forms in the vicinity, photographs of which are included in Exhibit "E".

In rebuttal Mr. Gilham provided the following responses to questions from the Board:

1. In his view the apron on the driveway to the garage will not provide sufficient parking space for a car.
2. He noted the future LRT stops are not particularly close to the development and must be accessed on foot or by car.
3. There are limited commercial uses in the zone and the strip malls in the vicinity are small.

DECISION:

That the appeal be DENIED and the decision of Approval by the Development Officer be UPHELD and the variance of 0.6 metres in Site Width be granted.

The approval permit is subject to the following conditions:

This Development Permit authorizes the development of a Semi-Detached House with verandas, fireplaces and Basement developments (not to be used as additional Dwelling units). The development shall be constructed in accordance with the stamped and approved drawings.

DECISION (CONTINUED):

The height of the principal building shall not exceed 8.6 m nor 2 1/2 Storeys as per the Height definition of Section 6.1(49) of the Edmonton Zoning Bylaw 12800.

Any future basement development may require Development and Building Permit approvals.

Platform Structures greater than 1.0 m above Grade shall provide privacy screening to prevent visual intrusion into adjacent properties.

The maximum number of Dwellings per lot and applicable density regulations shall be as follows: Where Semi-detached Housing and Duplex Housing are allowed in this Zone, a maximum of two Dwellings per lot or and where Single Detached Housing is developed in this Zone, a maximum of one Dwelling per Site, and, where the provisions of this Bylaw are met, up to one Secondary Suite, Garage Suite or Garden Suite shall be allowed. Reference Section 140.4(17)(b)

Semi-detached Housing requires 2 on-site parking spaces per Dwelling and may be in tandem to the attached garage. (Reference Section: 54.2(3))

A hard surface walkway is required between the Garage, Garage pad, or Parking Area and an entry to the Dwelling.

Except for the hardsurfacing of driveways and/or parking areas approved on the site plan for this application, the remainder of the site shall be landscaped in accordance with the regulations set out in Section 55 of the Zoning Bylaw.

Notwithstanding the Landscaping regulations of Section 55 of this Bylaw, where new development consists of replacement or infill within areas of existing housing, Landscaping shall be implemented as a component of such new development in order to replace vegetation removed during construction or to reinforce an established Landscaping context in the area. (Reference Section 140.4(16))

For Single-detached Housing, Semi-detached Housing and Duplex Housing, a minimum Private Outdoor Amenity Area shall be designated on the Site plan. Neither the width nor length of the Private Outdoor Amenity Area shall be less than 4.0 m. The Private Outdoor Amenity Area may be located within any Yard, other than a Front Yard, and shall be permanently retained as open space, unencumbered by an Accessory Building or future additions. (Reference Section 140.4(15))

DECISION (CONTINUED):

Each Dwelling within Semi-detached Housing shall be individually defined through a combination of architectural features that may include variations in the rooflines, projection or recession of the facade, porches or entrance features, building materials, or other treatments. (Reference Section 140.4(18))

An approved Development Permit means that the proposed development has been reviewed only against the provisions of the Edmonton Zoning Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the ERCB Directive 079, the Edmonton Safety Codes Permit Bylaw or any caveats, covenants or easements that might be attached to the Site.

Notes:

-Lot grades must match the Engineered approved lot grading plans for the area. Contact Drainage Services at 780-496-5500 for lot grading inspection inquiries.

-The development of a Secondary Suite(s) in a Semi Detached House is prohibited by the Edmonton Zoning Bylaw 12800. There may be an inspection in the future to ensure that no illegal suite has been developed.

-Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800.

REASONS FOR DECISION:

The Board finds the following:

1. The proposed development is a Permitted Use in the RF3 Small Scale Infill Development Zone.
2. The Site Width variance is minor in nature and all required on-site parking spaces are provided.
3. Based on photographic evidence and the submitted map exhibit, Semi-detached Housing is characteristic of the area.
4. The proposed development is located near a major transit route and the future LRT system.
5. No letters of opposition were received from the neighbourhood and no other parties in opposition attended the hearing.

REASONS FOR DECISION (CONTINUED):

6. Nothing presented to the Board provided information on how the incremental effect of a 0.6 metre deficiency in overall Site Width would significantly impact the neighbourhood.
7. Photographic evidence submitted showed there is minimal on-street parking congestion.
8. Based on the above, it is the opinion of the Board, that the proposed development will not unduly interfere with the amenities of the neighbourhood nor materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

IMPORTANT INFORMATION FOR APPLICANT/APELLANT

1. **THIS IS NOT A BUILDING PERMIT.** A Building Permit must be obtained separately from the Sustainable Development Department, located on the 5th Floor, 10250 – 101 Street, Edmonton.
2. When an application for a Development Permit has been approved by the Subdivision and Development Appeal Board, it shall not be valid unless and until any conditions of approval, save those of a continuing nature, have been fulfilled.
3. A Development Permit shall expire and shall no longer be valid after one year from the date of approval of the Permit, if no construction has been initiated. However, if the permit holder is unable to proceed pending a court decision involving the proposed development, time shall not run until such proceedings are finally completed. For further information, refer to Section 22 of the Edmonton Zoning Bylaw, 12800.
4. Notwithstanding clause (3) above, if a Building Permit is issued for the development within the twelve month period, the Development Permit issued therefore shall not lapse unless and until the Building Permit so issued is cancelled or allowed to lapse by virtue of work not having commenced within the statutory minimum period.
5. This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the Municipal Government Act, R.S.A. 2000, c. M-26. If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision, such notice shall operate to suspend the Development Permit.

6. When a decision on a Development Permit application has been rendered by the Subdivision and Development Appeal Board, the enforcement of that decision is carried out by the Sustainable Development Department, located on the 5th Floor, 10250 – 101 Street, Edmonton.

Mr. V. Laberge, Presiding Officer
SUBDIVISION AND DEVELOPMENT
APPEAL BOARD

City of Edmonton, Sustainable Development Department, Attn: M. Ziober

NOTE: Citizens can call 311, 24-hours a day, every day of the year for access to City of Edmonton information, programs and services.